

**CALIFORNIA DEPARTMENT OF CORRECTIONS
DISABLED VETERAN BUSINESS ENTERPRISE
SERVICES AND COMMODITIES**

**MANDATORY PARTICIPATION REQUIREMENTS
FOR COMPETITIVE BID CONTRACTS**

Bid Proposal No. _____

1. PROGRAM POLICY

In accordance with Public Contract Code (PCC) Section 10115 et seq., it is the policy of the Department of Corrections (Department) to achieve the legislatively established goal for the participation of disabled veteran business enterprise (DVBE) in service, commodity and construction contracts to the maximum extent feasible. The Department and its Contractors shall ensure that DVBE firms have the maximum opportunity to participate in the performance of contracts and subcontracts.

The legislatively established participation goal is three (3) percent of the total contract amount for DVBE. The bidder is required to either: (1) meet the DVBE participation goal, or (2) make a good faith effort (GFE) to meet the goal, or (3) submit a copy of "Notice of an Approved DVBE Business Utilization Plan." Compliance documentation must be submitted with the bid proposal. In awarding the contract, the Department will evaluate the bidder's responsiveness to the DVBE goal, GFE, and/or DVBE Business Utilization Plan.

2. DVBE COMPLIANCE PREREQUISITES TO AWARD OF THE CONTRACT

The contract will be awarded to the responsible bidder whose proposal complies with all the requirements prescribed herein and who has either (1) met the goal for DVBE participation, or (2) demonstrated, to the satisfaction of the Department, that such bidder made a GFE to do so, or (3) submitted a copy of Notice of an Approved DVBE Business Utilization Plan.

In order to be considered in determining whether the goal has been met, the DVBE firms must: (1) be certified, in accordance with Section 4 herein; and (2) their subbids to the bidder must have been submitted and accepted prior to bid opening.

A bid will be rejected if the Department determines that DVBE compliance has not been met, and the bidder is deemed to be nonresponsive.

3. DEFINITIONS

- a. **"Bidder"** means any person or entity submitting a bid directly to the State for a service, commodity or construction contract.
- b. **"Certification"** means a business concern has obtained verification that it meets the definition of DVBE pursuant to Military and Veterans Code (MVC) Section 999(g) from the Department of General Services (DGS), Office of Small Business Certification and Resources (OSBCR).
- c. **"Disabled Veteran Business Enterprise"** means a business concern certified as a DVBE by the DGS, OSBCR pursuant to MVC Section 999(g).
- d. **"Goal"** means a numerically expressed objective that awarding departments and contractors are required to make efforts to achieve.
- e. **"Good Faith Effort"** means a concerted effort by the potential bidder to seek out and consider DVBE firms as potential subbidders in order to meet the program participation goal. The effort must be that which given all relevant circumstances, the bidder would make to actively and aggressively meet the goal (see Section 5).

- f. **"Responsible Bidder"** means a bidder who, in addition to other State contracting requirements, either meets the established DVBE participation goal, or demonstrates that the GFE has been performed to meet the goal, or submits a copy of "Notice of an Approved DVBE Business Utilization Plan" in the name of the bidder's company.
- g. **"Subbidder"** means any person or entity submitting a bid for materials, supplies and/or labor to a bidder.

4. **COUNTING DVBE PARTICIPATION TOWARD COMPLIANCE BY MEETING OR EXCEEDING THE GOAL**

CERTIFICATION REQUIREMENTS:

DVBE firms are certified by DGS, OSBCR and cannot, by definition, self-certify as DVBE firms. DVBE firms must have provided a complete certification application to DGS, OSBCR by no later than 5:00 p.m. on the date of bid opening. If you have any questions regarding certification, contact the Departmental Contract Representative (listed in Section 7, page 4).

DVBE participation will be counted as follows:

- a. The total dollar value of the bid with a DVBE firm will be counted toward the DVBE goal. (Also, see item b below.)
- b. A certified DVBE performing as the bidder or subbidder, will be counted toward the DVBE goal in proportion to the work actually to be performed by the bidder or subbidder. The bidder must determine prior to bid opening how such a firm will be counted and indicate their choice on Part II of the "Mandatory DVBE Participation Worksheet" (included within this package) which must be returned with the bid proposal.
- c. A bidder may count toward the DVBE goal a portion of the total dollar value of the contract with a joint venturer certified under the standards of this subpart. The joint venturer percentage will be equal to that of the ownership and control of the DVBE partner in the joint venture.
- d. A subbidder may count toward its DVBE goal the total dollar value of a contract let to its subbidders if the award is to another DVBE firm(s) (third tier participation).

APPROVED DVBE BUSINESS UTILIZATION PLAN:

Effective January 1, 1995, bidders are permitted to submit a DVBE Business Utilization Plan in the name of the bidder's company. When approved by DGS, Procurement Division, this plan will satisfy DVBE participation requirements. The DVBE Business Utilization Plan must have been submitted to DGS and approved prior to the bid opening date in order to satisfy DVBE compliance requirements.

DVBE Business Utilization Plan compliance applies only to procurements for materials, supplies and equipment, including electronic data processing and telecommunication goods and services. An approved DVBE Business Utilization Plan cannot satisfy DVBE requirements for construction or non-EDP service contracts.

Instructions for preparation and submission of the DVBE Business Utilization Plan can be obtained by contacting DGS, OSBCR, 1531 "I" Street, 2nd Floor, Sacramento, CA 95814-2016 or by telephoning (916) 323-5478.

5. EFFORTS AND DOCUMENTATION WHICH MUST BE UNDERTAKEN TO DEMONSTRATE A GOOD FAITH EFFORT

It is the bidder's responsibility to either: (1) meet the goal for DVBE or (2) provide information establishing that, prior to bidding, the bidder made a GFE to meet the goal, or (3) if appropriate, submit a copy of "Notice of an Approved DVBE Business Utilization Plan." To demonstrate a GFE, the bidder **MUST** make the efforts enumerated below. Each effort must be undertaken in a timely fashion to ensure that DVBE firms have an opportunity to respond and be considered prior to bid opening.

The bid proposal **must** include the Mandatory DVBE Participation Worksheet provided within this package or notice of an approved DVBE Utilization Plan. A fully documented worksheet as further described must be submitted with the bid proposal on the date and time of the bid opening. The Department reserves the right to request additional information to document and evaluate compliance with DVBE requirements prior to bid award.

Only efforts made prior to submission of the bid will be considered in determining whether the GFE has been made.

If the goal is not met, and a copy of a "Notice of an Approved DVBE Business Utilization Plan" is not submitted, the bidder must identify and make available subcontractable work for which DVBE firms will be solicited to submit bids. The following efforts must then be taken prior to bid opening in order to demonstrate that the GFE has been achieved:

- a. Make contact with the Departmental Contract Representative (listed in Section 7, page 4) to identify DVBE firms.
- b. Make contact with **ALL OF THE FOLLOWING**: (1) other State agencies and (2) federal agencies and (3) local DVBE organizations and agencies to identify DVBE firms which are appropriate for the identified subcontractable work.

See the attached OSBCR Resource Packet for a comprehensive listing of State and federal referral agencies and local referral organizations.

Other State and federal referral agencies and local referral organizations not contained in the OSBCR Resource Packet may satisfy a bidder's GFE requirement. Local organizations that maintain DVBE business information qualify as local contacts. If a bidder requests DVBE referrals from an agency or organization not contained in the attached OSBCR Resource Packet, the bidder must contact the Departmental Contract Representative prior to submitting the bid to determine if the agency or organization meets the GFE requirement.

NOTE: If no federal agency is listed in the OSBCR Resource Packet, the bidder is not required to list a federal contact for GFE purposes.

- c. Advertise, requesting subbids or quotations from DVBE firms for the available subcontractable work in both of the following: (1) general trade/professional publications and (2) DVBE focus papers. Since some papers are both a trade and a focus paper, the Department will accept a dual trade and focus paper that meets both legal definitions and the criteria for this specific bid. The bidder must fulfill these advertising requirements unless time limits imposed by the Department do not permit such advertising and the requirement is waived by the Department. In addition, advertisements must be placed in sufficient time to allow for DVBE responses.

See the attached OSBCR Resource Packet for a comprehensive listing of trade/professional and DVBE focus publications. If the bidder believes an alternate trade/professional and/or DVBE focus paper would better serve his/her advertising purposes, the bidder should, prior to placing the advertisement(s), contact the Departmental Contract Representative listed in Section 7, page 4, to ensure the publication meets the criteria for either trade/professional and/or DVBE focus papers. Failure to obtain an approval prior to bid submission could result in bid rejection.

If publishing schedules for trade/professional publications or DVBE focus papers do not reasonably permit timely advertising prior to bid opening, an alternate advertising resource or an exemption may be granted through the Departmental Contract Representative if contacted prior to bid submission.

- d. Solicit potential DVBE firms appropriate for the work sought by the bidder via direct mail, telephone, personal contact or through referral centers. Solicitation shall include invitations to bid to potential DVBE firms, such as those referred by the Department, DVBE referral centers, other parties known to the bidder, or firms which contact the bidder directly.
- e. Consider all subbids submitted by DVBE firms.

6. **CERTIFICATION OF COMPLIANCE WITH DVBE REQUIREMENTS**

By signing the bid proposal documents, the bidder certifies under penalty of perjury that he/she acted in good faith to comply with the DVBE requirements specified herein. If the Penalty of Perjury Statement (in Part V, Page 8) is not completed, the bid will be rejected.

7. **DEPARTMENTAL CONTRACT REPRESENTATIVE**

DEPARTMENT: **CORRECTIONS**

ADDRESS:

TELEPHONE NUMBER:

NAME:

TITLE:

**MANDATORY
DVBE PARTICIPATION WORKSHEET**

PART I - INSTRUCTIONS:

The bidder's DVBE information in this worksheet shall establish that either: (1) the DVBE goal has been met or (2) a GFE to meet the goal has been made, or (3) partial or no DVBE goal has been attained and an approved DVBE Business Utilization Plan is being submitted by the time of bid opening (see Section 4, page 2 for DVBE Business Utilization Plan guidelines). Bidders are cautioned that even though their submittal indicates they will meet the stated DVBE goal, their submittals should also include their GFE in order to protect their eligibility for award of the contract in the event the Department finds that the goal has not been met (e.g., the DVBE is not certified at the time of the bid opening). Further, the Department reserves the right to request additional information to verify the accuracy of the statements provided on this worksheet.

PART II - GENERAL INFORMATION (Type or print)

Bid Proposal No. _____ Bid Opening Date _____

Bidder Name _____

Contact Person _____

Address _____

City, State, Zip _____

Telephone No. _____

Total Bid Amount (from Bid Proposal Cost Sheet) \$ _____

COMPLETE THE FOLLOWING IF YOU ARE THE PRIME BIDDER AND A DVBE:

DVBE OSBCR Certification Number: _____ Expiration Date: _____

PART III - DVBE FIRMS TO BE USED TOWARD MEETING THE PARTICIPATION GOAL

Only DVBE firms that are formally certified (refer to Section 4, page 2) can be counted toward meeting the participation goal.

Provide the following information for each certified DVBE to be used as a subcontractor (include prime bidder if certified and is to be counted toward the goal): The Department reserves the right to verify certifications.

(1) DVBE NAME, FULL ADDRESS, PHONE NUMBER AND CONTACT PERSON	(2) TYPE OF SUBCONTRACTABLE WORK	(3) DOLLAR AMOUNT	(4) %	(5) DVBE OSBCR CERTIFICATION	
				NUMBER	EXPIRATION

PART IV - GOOD FAITH EFFORT

Sections A through F **MUST** be completed in their entirety when performing the GFE. Failure to do so may result in bid rejection.

A. SUBCONTRACTABLE WORK

(1) WORK	(2) DOLLAR VALUE (TO THE NEAREST DOLLAR)	(3) DOLLAR PERCENTAGE OF BID AMOUNT (TO THE NEAREST ONE-HUNDREDTH OF A PERCENT)

B. DEPARTMENTAL CONTACT

Date(s) of Contact: _____

Name of the person contacted (see page 4 for Departmental Contract Representative's name and telephone number): _____

Document the assistance received: _____

C-1. STATE AND FEDERAL CONTACTS

List contacts made with State and federal agencies to request DVBE referrals. See the attached OSBCR Resource Packet for a comprehensive listing of State and federal referral agencies.

Other State and federal agencies not contained in the OSBCR Resource Packet may satisfy this GFE requirement. If a bidder lists an agency not contained in the attached OSBCR Resource Packet, the bidder must contact the Departmental Contract Representative (listed in section 7, page 4) prior to submitting the bid to determine if the agency meets the GFE requirement. NOTE: If no federal agency is listed in the attached OSBCR Resource Packet, the bidder is not required to list a federal referral contact for GFE purposes.

STATE AND FEDERAL AGENCIES CONTACTED (INCLUDE TELEPHONE NUMBER)	CONTACT DATE	INDIVIDUAL CONTACTED	SERVICES RECEIVED

PART IV - GOOD FAITH EFFORT

C-2. LOCAL DVBE OSBCR ORGANIZATIONS

List contacts made with local DVBE agencies and organizations to request DVBE referrals. See the attached OSBCR Resource Packet for a comprehensive listing of local referral agencies and organizations.

Other local organizations not contained in the OSBCR Resource Packet may satisfy a bidder's GFE requirement. Local organizations that maintain DVBE business information qualify as local contact. If a bidder lists an organization not contained in the attached OSBCR Resource Packet, the bidder must contact the Departmental Contract Representative (listed in Section 7, page 4) prior to submitting the bid to determine if the agency or organization meets the GFE requirement.

DVBE ORGANIZATIONS CONTACTED (INCLUDE TELEPHONE NUMBER)	CONTACT DATE	INDIVIDUAL CONTACTED	SERVICES RECEIVED

D. ADVERTISING

The bidder must advertise for DVBE firms in either (1) both a general trade/professional publication **and** DVBE focus paper; or (2) a dual trade and focus paper that meets both legal definitions and the criteria for this specific bid. See the attached OSBCR Resource Packet for a comprehensive listing of trade/professional and DVBE focus publications. If the bidder believes an alternate trade/professional and/or focus publication would better serve his/her advertising purposes, the bidder should contact the Departmental Contract Representative prior to placing the advertisement(s) to ensure the publication meets the criteria for either trade/professional and/or DVBE focus publication. Failure to obtain an approval prior to bid submission could result in bid rejection. Advertisements must be placed in sufficient time to allow for DVBE responses.

Attach copies of advertisements which display the publication name(s) and date(s). If the advertising requirement was waived, provide the name of the Departmental Contract Representative who approved the waiver, the reason for the waiver, and the date the waiver was approved.

(1) NAME OF PUBLICATION	(2) TYPE OF PUBLICATION (TRADE, FOCUS, ETC.)	(3) DATE OF PUBLICATION

PART IV - GOOD FAITH EFFORT

E. DVBE FIRMS SOLICITED

Attach copies of any solicitation correspondence. (Attach additional sheets if necessary).

(1) NAME OF DVBE FIRM, CONTACT PERSON AND TELEPHONE NUMBER	(2) METHOD OF SOLICITATION	(3) DATE OF SOLICITATION	(4) FOLLOW-UP METHODS AND RESULTS

PART IV - GOOD FAITH EFFORT

F. DVBE FIRMS NOT ACCEPTED

List the following information in the space provided below for any DVBE firm that submitted a bid or quotation but was not accepted by the bidder.

(1) NAME OF DVBE, CONTACT PERSON AND TELEPHONE NUMBER	(2) ITEM OF WORK	(3) DVBE BID (\$)	(4) SUBBIDDER/ SUPPLIER USED	(5) BID AMOUNT ACCEPTED	(6) REASON NOT ACCEPTED

PART V - PENALTY OF PERJURY STATEMENT

I declare under penalty of perjury that the information herein is true and correct.

Executed on _____ 20____ at (city) _____

in the State of _____.

SIGNATURE	TITLE
PRINT NAME	TELEPHONE NUMBER ()
ADDRESS	